

REMARKS

Summary Of The Office Action & Formalities

Claims 1-28 are all the claims pending in the application. By this Amendment, Applicant is adding new claims 29-32.

Applicant thanks the Examiner for the telephone interview with the undersigned representative on July 6, 2005, during which the art rejections were discussed, but after which no agreement was reached.

Claims 1, 12, 13, 17-19 and 28 are rejected under 35 U.S.C. § 102(b) as being anticipated by Pozzi et al. (EP 0 487 412).

Claims 2-11, 14-16 and 20-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant respectfully traverses the art rejections.

Claim Rejections - 35 U.S.C. § 102

In rejecting claims 1 and 17, the Examiner states:

Pozzi shows a pump having a body 2, 16; piston 49; fixing ring 4; reservoir 15; sealing gasket 42; air intake passage 12; filtration element 5; and vent hole 12. The filtration element is above the top edge of the pump body (top edge is at 44, so the filter is above it) and between the body and fixing ring as seen in Figures 1-3.

Office Action at page 2. Applicant respectfully disagrees.

It is Applicant's position that one skilled in the art would not interpret the recited "top edge" of the pump body to read on the bottom portion of the cylindrical part 43. Pozzi describes

that the pump body (“fourreau”) 16 has three cylindrical parts. The first cylindrical part 43 extends below the fixing ring (“coupelle”) 4 and has a bottom (“fond”) 44 defining a space receiving the filter 5. *See* Pozzi at column 3, lines 33-40.

Certainly, the skilled artisan would not consider the bottom of the pump body’s first cylindrical part 43 to be the pump body’s top edge. Such an interpretation would be contradictory.

Moreover, Applicant’s claim 1 requires the top edge to be fixed in the fixing ring that serves to assemble the pump to the reservoir. Pozzi discloses that the pump body 16 is snapped in the fixing ring. *See* Pozzi at column 3, lines 31-33. As the drawings in Pozzi make clear, the top edge of the pump body’s first part 43 is snapped in the fixing ring 4. Therefore, Pozzi’s filter is located under the top edge.

New Claims

For additional coverage merited by the scope of the present invention, Applicant is adding new claims 29-32. These claims are believed to be allowable by reason of their dependency and since they further define the top edge of the pump body.

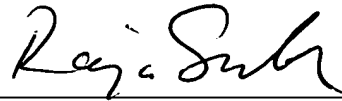
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

U.S. APPLICATION NO. 10/070,641
AMENDMENT UNDER 37 C.F.R. § 1.111

Attorney Docket No.: Q68640

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Raja Saliba
Registration No. 43,078

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: July 22, 2005